

REGULAR CITY COUNCIL MEETING
AUGUST 22, 1988

PRESENT

Ruth Hansen	Mayor
Wesley J. Bloomfield	Council Member
Gayle Bunker	Council Member
David Church	Council Member
Rex T. Harris	Council Member

ABSENT

Don Dafoe	Council Member
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OTHERS PRESENT

Dorothy Jeffery	City Recorder
Richard Waddingham	City Attorney
Doyle Bender	City Treasurer
Sarah Inez Moody	Chronicle/Progress
Phyllis Munster	Cellar Club Manager
Mr. & Mrs. Dwight Moody	City Residents
Roger Young	Chief of Police
Joseph Moody	State Representative

Mayor Hansen called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Hansen stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

The proposed minutes of a special City Council meeting held August 15, 1988, were presented for consideration and approval. The Council reviewed the minutes briefly after which Council Member Gayle Bunker MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member David Church. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member David Church MOVED that the accounts payable be approved for payment as listed in the amount of \$96,680.81. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

ROGER YOUNG, CHIEF OF POLICE: REPORT ON CELLAR CLUB INVESTIGATION

Mayor Hansen asked Chief of Police Roger Young to report on an investigation conducted on the Cellar Club.

Chief Young presented a copy of the following memorandum to Mayor Hansen and to each Council Member:

TO: Delta City Council
FROM: Roger J. Young, Chief of Police
RE: Cellar Club Investigation
DATE: August 15, 1988

As per your request of August 8, 1988, an investigation was conducted into the activities of the Cellar Club which is located at 350 West 100 South in Delta.

On August 9, 1988, I instructed Officer Allred to make personal contact with the residents who reside on the same block as the Cellar Club to ascertain if they have been experiencing the same problems with the Cellar Club as Mr. and Mrs. Moody have been. Officer Allred made contact with eight of the ten residents in that area on August 9, 1988 and he made contact with the remaining two residents on August 13, 1988 to obtain their statements. Attached to this memo you will find the results of those interviews. Also attached you will find a copy of a memo to me from Officer Burton who was instructed to make extra checks at the Cellar Club to check on the noise levels.

The Cellar Club had dances on Friday evening, August 12, 1988 and again on Saturday evening, August 13, 1988 and on both occasions there did not appear to be any problems with noise from the music or the vehicles when they left. On Saturday evening, August 13, 1988, Officer Taylor was present at the Cellar Club and reported that the dance was stopped at 1:00 A. M. so that all the patrons would be out of the premises by 2:00 A. M. This was done by Phyllis Munster herself and it should be noted that this is a regular practice

by her to make sure the establishment is closed on time.

It is my opinion that the investigation has shown that there does not appear to be a problem with the Cellar Club on the evenings that they have their dances. There may be those rare occasions that music or vehicles may make noise, but that is true to any business in Delta City. The statements from the residents in that area indicate that they do not have a problem with the Cellar Club. Therefore, it would be my recommendation that the Cellar Club be allowed to continue at its present location.

Respectfully,
Roger J. Young
Chief of Police
Delta City

There was no Council action taken at this time.

WESLEY BLOOMFIELD, COUNCIL MEMBER: PROPOSAL TO ANNEX WEST DELTA

Mayor Hansen asked Council Member Wesley Bloomfield to review the status of the proposed West Delta Annexation.

Councilman Bloomfield reported that Robert Droubay prepared a Petition For Annexation in which he changed the language to state that the City will upgrade a main water line and hook-ups to existing businesses in the annexed area. Mr. Droubay will obtain signatures on the petition and then present the Petition For Annexation to the Planning Commission.

Mayor Hansen reminded Mr. Bloomfield that money from the Board of Water Resources is available only until the end of the year for the upgrading of a water line in the proposed annexed area.

ATTORNEY RICHARD WADDINGHAM: ANIMAL CONTROL SERVICES AGREEMENT BETWEEN DELTA CITY AND DR. H. W. NIELSEN

Mayor Hansen asked Attorney Richard Waddingham to review a proposed Animal Control Services Agreement between Delta City and Dr. H. W. Nielsen.

Attorney Waddingham said that he talked with Mrs. H. Nielsen regarding a proposed Animal Control Services Agreement for FY 1988-1989 between Delta City and Dr. H. Nielsen. Mrs. Nielsen proposed that Delta City pay a contract fee of \$175 per month with the City paying for any expenses incurred in excess of \$175, based on the following rates:

\$4/day	Dog Impound
\$5.00	Euthanization

Following discussion, Council Member David Church MOVED to authorize Attorney Richard Waddingham to prepare a contract between Delta City and Dr. H. Nielsen for Animal Care at the rate of \$175 per month, plus additional expenses incurred, expiring June 30, 1989. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

COUNCIL MEMBER DON DAFOE: PAST DUE BUSINESS LICENSES

Council Member Don Dafoe was not in attendance at this meeting; therefore, this item was not discussed.

ATTORNEY RICHARD WADDINGHAM: DISCUSSION OF ACTION TO BE TAKEN ON S.I.D. PAST DUE ACCOUNTS

Mayor Hansen asked Attorney Richard Waddingham to discuss with the Council action to be taken on S.I.D. past due accounts.

Attorney Richard Waddingham reviewed with the Council a list of Special Improvement District 83-1 Past Due Accounts and asked the Council for direction in collecting the past due accounts.

The Council instructed Attorney Waddingham to take whatever legal action is necessary to enforce the remedies available to the City for failure to make payments assessed against the property owners subject to the Special Improvement District 83-1.

JERRY REAGAN, BUILDING INSPECTOR: CONSTRUCTION OF CITY PARK RESTROOM FACILITY

Mayor Hansen asked Building Inspector Jerry Reagan to present proposed plans for a restroom facility to be located in the City Park.

Jerry Reagan reviewed a proposed restroom facility to be located in the City Park. He recommended that the size of the facility be at least 320 sq. ft., 16' x 20', and estimated the cost for materials to be approximately \$5,000.

OTHER BUSINESS

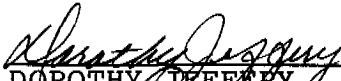
State Representative Joseph Moody reviewed with the Council several Legislative issues, one of which is the proposed Hazardous Waste Site, and invited the Council to a public meeting to be held September 1, 1988, to discuss the proposed site.

Mayor Hansen asked if there were any further comments, questions or items to be discussed. There being none, Council Member

Wesley Bloomfield MOVED to adjourn. The motion was SECONDED by Council Member David Church. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously. Mayor Hansen declared the meeting adjourned at 8:30 p.m.



RUTH HANSEN, Mayor



DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: RCCM 9-12-88